

## 4. Forest Practices Operations

### 4.1 Introduction

Forest Practices Operations is responsible for administering and enforcing the forest practices rules on approximately 12 million acres of private and public forestlands. These rules provide protection for public resources which have been defined as: water, fish, wildlife, and capital improvements of the state or its political subdivisions and provide some of the highest standards for resource protection on forestlands in the nation. The rules cover practices such as timber harvest, pre-commercial and commercial thinning, road construction, fertilization, and forest chemical application. They give direction on how to implement the Forest Practices Act.

### 4.2 Forest Practices Activities

Operations consist of office and field staff – statewide there are approximately 77 positions (not all positions are full-time) that provide key support in processing, reviewing, complying, and enforcing Forest Practices Applications and Notifications.

For the reporting period of July 1, 2009 through June 30, 2010 Forest Practices operations processed 4,715 applications/notifications. The table below provides a breakdown of this information.

**Decisions for Applications Received or Renewed**

REGION	RENEWAL	APPROVED	CLOSED	DISAPPROVED	VALIDATED	Total by Region
SOUTH PUGET SOUND	69	445	28	11	1	554
PACIFIC CASCADE	398	1359	33	5	3	1798
OLYMPIC	164	595	39	31	0	829
SOUTHEAST	69	195	11	3	4	282
NORTHWEST	84	468	25	21	0	598
NORTHEAST	82	532	20	18	2	654
<b>Total by Decision</b>	<b>866</b>	<b>3594</b>	<b>156</b>	<b>89</b>	<b>10</b>	<b>4715</b>

Closed means the application/notification was withdrawn by the applicant.

Validated means the department's agreement that a small forest landowner has correctly identified and classified resources, and satisfactorily completed a roads assessment for the geographic area described in Step 1 of a long-term application.

During this same reporting period there was a total of 14,118 applications/notifications statewide that were current (having a status of approved for operations).

### 4.3 Priorities

Operations has three primary objectives: processing, compliance, and enforcement of forest practices activities. Priorities are based upon making sure these three objectives are met. This summary report will not go into details of each; rather it will focus on those priorities that have had the greatest impact on Operations for this reporting period.

4.3.A – [DNR's Strategic Plan 2010 – 2014: The Goldmark Agenda](#) (DNR 2010) - Goal II *Improve Forest Practices Rules and Strengthen Implementation and Compliance*

The Strategic Plan has identified two major initiatives to be achieved by Operations over the next five years, these are:

- 1) Ensure the forest practices rules are fully, fairly, and consistently implemented and enforced by DNR staff.

- 2) Improve landowner compliance with the forest practices rules.

Each of these initiatives is associated with numerous action strategies that will need to be achieved in order to be successful. By June 30, 2011 the following action strategies must be completed:

- 1) Finalize initial internal field audits and coordinate necessary modifications with regions, and re-confirm/redesign future audit cycles.
- 2) Complete the Clean Water Act assurances extension milestone of developing a plan and timeline for improving compliance with the forest practices rules.

#### 4.3.B. – Audit

This is one of the Agency's Strategic Plan Goal II Initiatives. The intent is to resume conducting the audits that were initiated in 2006. Field audits were completed within each region in 2006 but were never formally finalized. This initiative will get the audits back on track. An important part of this process will be to reevaluate the audit's purpose and implementation plan to ensure the questions being asked and processes being evaluated are still relevant and make appropriate changes where necessary prior to restarting the audit process.

The purpose of the plan, as identified in 2006, was for division staff to coordinate a series of audits in order to evaluate the delivery of the Forest Practices program at the region level. Information obtained from these audits would inform the program where changes should be made in order to improve efficiencies and consistency across regions. There were four components of the original audit plan:

- 1) Operations
- 2) External Relations
- 3) Program Leadership
- 4) Forest Practices Division Support

#### 4.3.C – Department of Ecology's 2009 Clean Water Act Assurances Review

WAC 222-12-010 states, 'Promulgation of all forest practices rules shall be accomplished so that compliance with such forest practices rules will achieve compliance with the water quality laws.' All forest practices rules that are marked with an asterisk (\*) pertain to water quality and can only be adopted or amended with Department of Ecology's agreement. Because of the level of protection the forest practices rules provides for water quality, the Department of Ecology granted assurances that implementation of the rules would provide compliance with the state's water quality standards. These assurances would be reviewed after a ten-year period to determine whether the rules were indeed providing for the required level of protection.

The Department of Ecology's report, [2009 Clean Water Act Assurances Review of Washington's Forest Practices Program](#) (Department of Ecology 2009), provides an assessment of the past ten-years and based upon the review's findings the assurances have been conditionally extended provided specific actions, identified as *Milestones* are achieved by specific dates. In all, there are twenty-one Milestones identified (several are overlapping) to be completed by the Forest Practices participants, completion dates range between July 2009 and November 2013. Forest practices operations have twelve Milestones to address; three have been completed and four more are very near completion.

#### 4.3. D. – Guidance

Forest practices guidance supplements the forest practices rules and Board Manual. The complexity of the rules, details of program administration and variability in the forested environment often pose unique challenges for landowners and DNR staff in implementing the rules across the landscape.

Situations commonly arise where neither the rules nor the Board Manual provide enough specificity to resolve a particular implementation issue. Therefore, DNR develops internal guidance that provides direction consistent with established program goals, resource protection objectives and performance targets. New guidance or changes to existing guidance are communicated to region forest practices staff in writing. Any guidance that affects cooperating agencies, organizations and landowners is shared outside of the agency.

DNR created several guidance documents between July 1, 2009, and June 30, 2010. The following is a summary description of the written guidance that has been shared with the forest practices staff:

**Summary of written guidance issued to department staff July 1, 2009 – June 30, 2010**

<b>Date</b>	<b>Reason for guidance</b>	<b>Accomplishment</b>
4/01/10	Fixed width RMZ template form. Required by amendment to Board Manual Section 21.	Landowners will submit their Fixed With Template using the form dated 4-01-2010.
2/12/10	Precipitation and forecasted stream flow for the 2010 fish survey season. Required by Board Manual Section 13.	Predicted drought is expected to be a factor in accurately determining fish presence or absence for most of Washington.
1/13/10	Federal Services Notification & Participation	USFWS and NMFS intention to attend meetings regarding violations of land-based Habitat Conservation Plans (HCP).
11/30/09	Landowners can meet with program staff to discuss specific/non-specific prescription determination	Opportunity provided to landowners to discuss and/or provide new/additional information relating to Watershed Analysis mass-wasting prescription designations
9/28/09	Classifying forest practices applications with Watershed Analysis Prescriptions	Provides updated guidance on classifying forest practices applications with Watershed Analysis mass wasting prescriptions; replaces previous guidance dated 03/23/09.
9/23/09	DFC Implementation	Beginning Sept 25, 2009 all forest practices applications that indicate harvest within the inner zone must submit a DFC worksheet Version 3.0
7/13/09	SharePoint Forest Practices Enforcement tracking database	Regions will be responsible for entering data from NTC, SWO, NOID, and civil penalties into the database. Regions will no longer be required to mail hard copies to the division.

The guidance listed in the table above, *Classifying Forest Practices Applications with Watershed Analysis Prescriptions* (Appendix A) issued on September 28, 2009 merits additional discussion. This document reflects the department's ongoing discussions and commitment to improving the

application processing and field review of proposed forest practices activities within an approved Watershed Analysis when mass wasting prescriptions apply. This guidance provides clarification and reiterates the program's expectation that the following will be evaluated and/or included with all applicable FPA's:

- Evaluation of mass wasting prescriptions – determination of specific vs. non-specific
- FPA/N [Watershed Analysis Worksheet](#) (DNR 2008)
- [State Environmental Policy Act Environmental Checklist](#) (Ecology) AND Qualified Expert Report if non-specific prescriptions are being applied

For additional information on the status of watershed analysis mass wasting prescriptions see Chapter 2 – The Forest Practices Board.